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SENATE

{ REPORT
No. 941

AUTHORIZING SUITS AGAINST THE UNITED STATES IN ADMIRALTY

JANUARY 26 (calendar day, JANUARY 30), 1925.—Ordered to be printed

Mr. BAYARD, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 9535]

The Committee on Claims, to whom was referred the bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, line 9, strike out "1920" and insert "1917."

The facts are fully set forth in House Report No. 913, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 913, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (H. R. 9535) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS

H. R. 9535 is a substitute for H. R. 6989. The chief purpose of this bill is to grant private owners of vessels and of merchandise a right of action when their vessels or goods have been damaged as the result of a collision with any Government-owned vessel, though engaged in public service, without requiring an application to Congress in each particular instance for the passage of a special enabling act.

The bill, in principle, is simply a substitute for the practice, long established, of passing special bills, under which private owners have been allowed to submit to our admiralty courts admiralty claims of this character.

Shipowners, whose vessels have suffered a collision with any Government-owned ship in the public service and who have a cause of action under existing procedure, must apply to Congress for the passage of a special enabling act before suit can be brought in the admiralty courts. This situation naturally causes great delay as well as expense in the collection of claims against the Government, and very frequently works great injustice and sometimes bankruptcy to the vessel owners. With the enormous increase of Government-

owned ships, both mercantile and war vessels, this delay and expense has become a matter of serious consideration to our privately owned merchant marine. At the same time the business of Congress is occupied to a greater extent with these private bills, something which under present conditions should be eliminated.

The passage of this bill has been largely urged by steamship owners and operators. The following organizations have indorsed similar legislation:

American Steamship Association, which includes about 2,500,000 tons of American-owned vessels in commercial trade; San Francisco Ship Owners & Merchants' Tug Boat Co., which includes a very large part of the transportation done by the ocean-going tugboats and the heavy barges along the Pacific coast; New York Boat Owners' Association; Lighterage Association of the Port of New York; Gulf Association of Vessel Owners; United Fruit Co.; Merritt & Chapman Derrick & Wrecking Co., both its outside and its harbor departments.; George M. Morrell Co., of New York; New England Fuel & Transportation Co.; Coastwise Transportation Co.; Boston Chamber of Commerce; Eastern Steamship Co.; Crowell & Thurlow; Rogers & Webb, of Boston; P. Dougherty & Co., of Baltimore; Eastern Transportation Co., of Baltimore; Consolidation Coastwise Co.; Seaboard Transportation Co.; Northern Transportation Co.; Thames Towboat Co.; Pendleton Bros.; Staples Transportation Co.; Pocahontas Fuel Co.; Southern Transportation Co.; F. W. Munn Transportation Co., of Philadelphia; Neptune Line (Inc.); Commercial Towboat Co.; Doane Towboat Co.; Providence Steamboat Co.; T. A. Scott Co. (Inc.); Andrew Mills & Sons.

It is safe to say that the shipping trade is unanimous in urging the passage of such legislation. Its passage has been advocated by the Chamber of Commerce of the United States of America and by the Marine Law Association of the United States.

1. *The existing law.*—Under the law as it now stands, no judicial relief is available to a shipowner for damages caused by the negligent navigation of a public vessel of the United States. His only recourse is to apply to Congress for a private act, which will enable him to have the matter adjudicated in a district court of the United States, or in the Court of Claims. Such relief, if granted, is granted only as an act of grace; it may not be demanded as a right. It is a procedure, moreover, which entails many and peculiar hardships to a suitor. It takes him from his residence to Washington, with the inevitable expense attached not only to traveling but to indefinite attendance on a legislative body busily engaged in the consideration of public measures. The result is that, if he does succeed in securing an opportunity to present his claim to a judicial tribunal, it often happens that, in the press of public business, years may elapse before the desired result is obtained. Meanwhile, his proof may be lost by the death, removal, or disappearance of his witnesses.

Nevertheless, the United States, while immune from the action of a private suitor in such cases, may, and does, sue the vessels of private owners, has its day in court without the risk of costs being awarded against it, and, when the Government vessel is found to have been at fault, refuses to pay the damages sustained by the private owner. (*The Esparta*, 160 Fed. 289.)

The injustice of such a system of relief has often been expressly recognized by Congress and by the courts. At the first session of the Fiftieth Congress, in reporting a bill for private relief, the Senate by Senator Hoar, and the House by Mr. Lanham, stated the case in

terms which have more than once been indorsed by the Court of Claims:

In the very able report of Mr. Lanham, from the Committee on Claims, accompanying the bill which was enacted as the law in this case, it is said: "Whether the Government is liable generally for torts is a question which may well be laid out of discussion in the present case. The principle on which liability in cases of marine collision is sustained is simply that of the responsibility of a property owner for the management and use of his property—simply a practical application of the sound maxim: "Sic utere tuo ut alienum non laedas" (so use your own as not to injure another's property).

In the Senate a very able report was submitted by Senator Hoar, recommending the passage of an act to compensate claimants for the loss sustained by them in the destruction of their property. From that report we make the following extract: "The committee think that the Government of the United States is not liable for loss or damage occasioned to private citizens by reason of any imperfection in the performance of the ordinary functions of government, or by reason of the acts, omissions, or negligence of its officers or agents in the discharge of such functions. * * *

"But we are of the opinion that there are two classes of cases where sound public policy requires the United States and all other sovereign Governments to hold themselves responsible for injuries occasioned by the negligence of their agents. One is where the Government, through its agents, manages or controls property, from which it receives a benefit or profit. * * *

"Another class of cases where this responsibility is recognized is where the Government is using or managing property through its agents under circumstances where these agents mingle on terms of equality with the general mass of citizens, and where the security of the citizens requires that the same obligation shall rest upon them, and that it shall be enforced by similar responsibility, as in the case of private persons. Congress has always recognized the obligation of the Government for injuries occasioned by the fault of the officers of its naval and other vessels in maritime collisions." * * *

This extract from the very able report of Senator Hoar not only indicates the proper construction of the statute (a special act), but it clearly marks the line where the responsibility of the Government should be drawn in cases where the private rights of the citizen have been violated by the negligence of the public authority. (Walton et al. v. U. S., 24 Ct. Cls., 372, 377, 379, 380; Cong. Rec., 50th Cong., 1st sess., pt. 1, 458.)

The special acts passed for the relief of vessel owners since 1919 illustrate the difficulty under the present system of securing permission even to institute litigation, without taking into consideration the delay in carrying on the litigation itself.

During the Sixty-sixth Congress (1919–1921), 10 special acts were passed for the relief of vessel owners.

During the Sixty-seventh Congress (1921–1923), 80 bills were filed with the committee and 27 were enacted into law.

During the first session of the Sixty-eighth Congress upward of 80 special admiralty bills have been introduced in the House.

2. *Judicial history of governmental immunity.*—The theory of immunity on the part of the sovereign has been found to be unworkable, and has been materially departed from by legislative or judicial action in all countries, and in some abandoned altogether. In the United States a large measure of indirect action in the form of proceedings against governmental officers and governmental property has been sanctioned by the courts.

The Constitution of the United States provides that:

The judicial power shall extend * * * to all controversies in which the United States shall be a party. (Art. III, sec. 2.)

In the earlier decisions of the Supreme Court it was clearly intimated that this was intended to include cases where the United States was a party defendant, as well as where it appeared as plaintiff.

In *Chisholm v. Georgia* (2 Dallas 419, 478), Chief Justice Jay said:

I wish the state of society was so far improved and the science of government advanced to such a degree of perfection as that the whole Nation could, in the peaceable course of law, be compelled to do justice and be sued by individual citizens.

In *United States v. Langford* (101 U. S. 341-343), the Supreme Court declared that the maxim, "The king can do no wrong," has no place in our system of government.

Subsequently, in *United States v. Lee* (106 U. S. 196), commonly known as the Arlington Cemetery case, the Supreme Court sustained an action of ejectment against the Government's officers in charge of the Arlington Cemetery. Inasmuch as the Government can only act through its officers, this case necessarily constituted a very serious impairment of the doctrine of sovereign immunity. In that case Mr. Justice Miller said:

As no person in this Government exercises supreme executive power, or performs the public duties of a sovereign, it is difficult to see on what solid foundation of principle the exemption from liability to suit rests.

The same judge, speaking for the Supreme Court, in the case of *The Davis* (10 Wallace 16), formulated the principle that although a suit may not be brought directly against the United States, nevertheless, an action will lie against its property if the property can be seized without ousting the actual possession of a governmental officer. That was a claim for salvage of property on board a vessel in transport, and it was held that the possession of the master of the vessel in which the goods were carried was not the possession of the Government. This principle has ever since been applied, the latest case being a decision of the United States Circuit Court of Appeals for the Second Circuit (1919) in the case of *Carlo Poma* (259 Fed. 369).

3. *Legislative history of governmental immunity.*—Our legislative history also shows a progressive tendency toward the establishment of the principle of equality before the law as respects the State and the individual. Congress appreciated, at the outset, that it could not do justice to the mass of private claims submitted to it. The investigation of pension claims was first referred to the circuit courts. (1 Stat. 243, 324, 514; 1792-1797.) The increasing pressure of private claims resulted in the establishment of a standing committee on claims, November 14, 1794; then the creation of special committees: Public Lands (1805), Pension and Revolutionary Claims (1816), Private Land Claims (1816), Revolutionary Pensions (1825), and Invalid Pensions (1831). This system cast an enormous burden of detail upon Congressmen and subjected them to the importunities of constituents to an extent which gave rise to many complaints on their part. But Mr. Justice Story, in his *Commentaries on the Constitution* (sec. 1678), published in 1833, placed the blame for this condition of affairs upon Congress itself:

It has sometimes been thought that this is a serious defect in the organization of the judicial department of the National Government. It is not, however, an objection to the Constitution itself; but it lies, if at all, against Congress, for not having provided (as it is clearly within their constitutional authority to do) an adequate remedy for all private grievances of this sort in the courts of the United States.

The right to sue the Government direct was first given by the act of February 24, 1855 (10 Stat. 612), establishing the Court of Claims. This court was reorganized and its powers extended in 1863 and 1866

(12 Stat. 765; 14 Stat. 9). Under the Tucker Act (1887) (24 Stat. 505) concurrent jurisdiction in suits limited in amount to \$10,000 was given to the United States district court. But jurisdiction under these acts is limited to contract claims. The only general legislation covering the subject matter of the pending bill is the provision embodied in the act of December 28, 1922, authorizing the Secretary of the Navy to adjust claims involving not more than \$3,000. This latter is, of course, wholly inadequate, since the damages in collision cases are usually very large in amount.

4. *The law in other countries.*—The idea that Government is immune from the jurisdiction of its court seems to have arisen from the application of the principles of the Roman law and the adoption of the monarchical principal that the sovereign can do no wrong. (Goodnow, Administrative Law of the United States, p. 383.)

In England it is probable that, until the time of Edward I, the King might have been sued in all cases as a common person. (Comyn's Digest, Action C, 1.) This view has been accepted by the Supreme Court of the United States, although it recognized that since the time of Edward I the sovereign could be sued only under a petition of right. (U. S. v. Lee, 106 U. S. 196, 205.)

This valuable privilege is now crystallized in the common law of England. It is a judicial proceeding, tried like suits between subject and subject. It does not exist by virtue of any statute, nor does modern legislation in England concerning it do more than regulate the manner of its exercise and confer on the petitioner the privilege, not before granted, of instituting his proceeding in any one of the superior courts. If the mode of proceeding to enforce it be formal and ceremonious, it is nevertheless a practical and efficient remedy for the invasion by the sovereign power of individual rights.

Wholly apart from the petition of right, a simple and efficacious method of relief is available in England for the very claims now under consideration. In the case of a collision between a British public vessel and the ship of a subject or a foreigner, it is the established English practice to permit the private owner to begin suit in the English courts against the navigating officer of the Government vessel. As a matter of course, the solicitor for the treasury appears on behalf of the respondent. The case is tried as if between private parties, with similar rights of appeal to either litigant. If it is shown that the public vessel, through her navigators, was at fault, the Government, after judicial assessment of the damages, pays the loss sustained by the private owner.

The *Bellerophon* (3 Aspin, M. C. 58).

The *Sanspareil* (1900; Prob. D. 267).

The *Gladiator* (11 Asp. 152, 169; 1900, Prob. D. 43).

In France and in Germany relief is afforded through judicial tribunals for the damages sustained under such circumstances:

On the Continent the rule is that the Government is liable to be sued by an individual in contract and also in tort where the tortious act is not committed in the performance of functions of a distinctly public legal character and where the fault of the officer causing it is not purely personal to himself, but consists rather in bad service, in an order badly given, not understood, or imprudently or carelessly executed. (Ducrocq, Droit Administratif, secs. 1055, et seq.; Laferriere, La Jurisdiction Administrative, II, 149, et seq.; Von Ronne, Das Staatsrecht der Preussischen Monarchie III, 583584; Bornhak, Preussisches Staatsrecht, II, 47.) Thus the Government would not be held responsible for damages

caused by its agents in the collection of taxes, while it would be if a ship were injured by the negligence of the officers of one of its men of war. (Cf. Ducrocq, op. cit., II, 230, citing a decision of the Council of State, Vol. II.) An example of the purely personal act of one of its agents for which the Government would not be responsible would be found in the case of theft by him. While the general rule as to the responsibility of the Government for its contracts and torts is the same in France and Germany, the courts before which such suits should be brought are different. In France, while the common-law rule in the absence of statute would appear to be that the ordinary civil courts have jurisdiction, so many special statutes have, as a matter of fact, been passed giving the jurisdiction to the administrative courts that it is laid down as the rule that the administrative courts are alone competent to declare the Government a debtor. (Ducrocq, loc. cit.) In Germany, however, it is the ordinary courts which have jurisdiction of actions both in contract and tort against the Government (Von Ronne, loc. cit.; Bornhak, loc. cit.). (Goodnow, Comparative Administrative Law, vol. 2, pp. 161, 162.)

No one of the departments opposes this legislation; indeed, the passage of the bill materially simplifies present conditions, which are not satisfactory.

Attached herewith are letters from the Secretary of State, Secretary of the Navy, Secretary of the Treasury, Attorney General, Secretary of Commerce, and the Secretary of War, indorsing the bill in question, and which letters are made part of this report.

DEPARTMENT OF STATE,
Washington, April 22, 1924.

Hon. GEORGE W. EDMONDS,

Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: I beg to acknowledge the receipt of your letter of April 14, 1924, in which you request my opinion as to the merits of bill H. R. 6989, Sixty-eighth Congress, first session, authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

The department is in sympathy with the provisions of the bill and would be glad to see it enacted into a law. The reasons for the department's interest in such legislation are well stated on page 7 of the report (No. 1301) on bill H. R. 15977, submitted by the Committee on the Judiciary during the Sixty-sixth Congress, third session. As indicated in that statement, and as explained in a letter which I wrote March 1, 1922, to the Hon. Andrew J. Volstead, I consider that it would be preferable to have claims of the nationals of foreign governments resulting from collisions with public vessels of the United States or from salvage services rendered to such vessels adjudicated by the courts and settled in the manner provided for in the bill rather than leave them to be settled through diplomatic channels as at present.

There are certain claims now preferred by foreign governments against the United States arising out of collisions alleged to be due to the fault of public vessels of the United States. In certain of these cases the fault of those vessels can not fairly be denied; in others it may be reasonably controverted. In none of these cases are the courts of the United States able to pass on the merits of the question when immunity from their jurisdiction is claimed. This department is, therefore, baffled in dealing with such cases, for it can not assert in diplomatic correspondence that there is an available judicial remedy in the courts of the United States affording a litigant a complete adjudication with hope of reparation where the claim is meritorious. The alternative is a demand for international arbitration, which in any event is more expensive than a proceeding in our own courts. Moreover, the existence of numerous arbitration treaties with countries embracing some of those which have preferred claims against the United States renders difficult a refusal to have recourse to this process of adjustment when we offer no practical domestic remedy.

A few provisions of the bill to which you have been good enough to direct my attention seem to call for special comment. It is believed that for the date "1920," appearing in line 9, section 1, and in line 2 of section 4, there might well be substituted "1917." Such amendment would cause the bill in this respect

to resemble H. R. 6256, Sixth-seventh Congress, first session. By this process there would become available a judicial remedy greatly needed to afford proper treatment of claims now preferred against this Government where the cause of action arose prior to April 6, 1920.

It is suggested that after the word "department" in line 4, section 5, there be added the words "or the head of any independent establishment of the Government."

Section 6 provides that no suit may be brought by the nationals of a foreign government "unless it shall be certified by the Secretary of State that said government, under similar circumstances, allows nationals of the United States to sue in its courts." I would suggest that, instead of requiring a certificate from the Secretary of State as a prerequisite to the bringing of such a suit, it would be preferable to require a showing to the satisfaction of the court that reciprocity was in fact granted by the particular foreign government whose national was a litigant; leaving it to the court to determine how such showing should be made. It may be observed, in this connection, that under section 155 of the Judicial Code of the United States it is understood that the Court of Claims decides whether aliens are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, that tribunal thus deciding whether reciprocity exists. It is suggested that there be substituted for the words "unless it shall be certified by the Secretary of State" (lines 20 and 21, section 6) the following: "unless it shall appear to the satisfaction of the court in which suit is brought."

As of possible interest in relation to H. R. 6989, I am taking the liberty to inclose a copy of a memorandum concerning liability under international law for losses resulting from collisions caused by the negligence of public vessels, which I recently communicated to Senator Lodge.

I am, my dear Mr. Edmonds,

Very sincerely yours,

CHARLES E. HUGHES.

MEMORANDUM CONCERNING LIABILITY UNDER INTERNATIONAL LAW FOR LOSSES
RESULTING FROM COLLISIONS CAUSED BY THE NEGLIGENCE OF PUBLIC
VESSELS

The Government of the United States, in dealing with international claims involving damage to private citizens and private vessels caused by collisions with public vessels, appears clearly to have committed itself to the principle that a nation is responsible for such damage.

In connection with this point it may be of interest briefly to note the policy of the Government with respect to claims of its own citizens.

Judge Cooley states the following principle:

"Even the State or General Government may be guilty of individual wrongs, for while each is a sovereignty it is a corporation also, and as such is capable of doing wrongful acts. The difficulty here is with the remedy, not with the right. No sovereignty is subject to suits except with its own consent. But either this consent is given by general law or some tribunal is established with power to hear all just claims; or if neither of these is done the tort remains, and it is always to be presumed that the legislative authority will make the proper provision for redress when its attention is directed to the injury." (Cooley on Torts, p. 122.)

In a report under date of February 28, 1899, submitted on behalf of the Senate Committee on Claims, by Senator Hoar, appears the following statement with regard to the responsibility of the Government for injuries occasioned by the fault of its agents:

"The committee think that the Government of the United States is not liable for loss or damage occasioned to private citizens by reason of any imperfection in the performance of the ordinary functions of Government, or by reason of the acts, omissions, or negligence of its officers or agents in the discharge of such functions * * *.

"But we are of opinion that there are two classes of cases where sound public policy requires the United States and all other sovereign governments to hold themselves responsible for injuries occasioned by the negligence of their agents * * *. Another class of cases where this responsibility is recognized is where the Government is using or managing property through its agents under circumstances where these agents mingle on terms of equality with the general mass of citizens, and where the security of the citizens requires that the same

obligation shall rest upon them and that it shall be enforced by similar responsibility as in the case of private persons. Congress has always recognized the obligation of the Government for injuries occasioned by the fault of the officers of its naval and other vessels in maritime collisions." (Cong. Rec., 50th Cong., 2d sess., pt. 3, p. 2615.)

On February 21, 1885, the American schooner *Lanie Cobb*, while at anchor in the harbor of Laguaya, was run into by the Venezuelan schooner *Ana Eulogia*, which was owned by the President of Venezuela and was in the service of the Venezuelan Government. In September of that year the American minister at Caracas was instructed to request from the Venezuelan Government indemnity of \$1,985. In an instruction under date of September 3, 1885, to the American minister to Venezuela, Secretary of State Bayard said:

"The right of our citizens to demand compensation for damages which they may sustain as in the accident to the *Lanie Cobb*, as well as that of a government to insist upon due reparation of such wrongs in behalf of its citizens, whenever necessary, is one which belongs to them by the rules of international law, and which is so recognized by all civilized countries." (Moore's Digest, vol. VI, p. 757.)

In Bequet's *Repertoire du Droit Administratif*, the following principle is stated (23, p. 175):

"It is not only the Army which by its acts can occasion accidents to individuals. The Navy causes even more formidable ones and collisions between vessels of commerce and ships of war have sometimes extremely serious results. It is admitted without dispute that if there has been fault on the part of the officers of the fleet, faulty maneuvering, negligence, or imprudence on their part, the government is responsible."

Numerous cases might be cited in which governments have made compensation for damages resulting from collisions between merchant vessels and public vessels.

The umpire in the arbitration under the convention concluded between the United States and Great Britain February 8, 1853, awarded to the owners of the British brig *Confidence* the sum of \$9,946.20 for losses sustained as a result of the running down of this vessel by the American frigate *Constitution*, which it was determined was in fault. (Moore, *International Arbitrations*, vol. 3, p. 3063.)

The arbitral commission established under the treaty of May 8, 1871, between the United States and Great Britain unanimously awarded the sum of \$14,000.81 as the value of the British brigantine *Madeira* and her cargo, which were sunk through a collision with the American transport *Clyde*, which the commission held to be in fault. (Moore, *Arbitrations*, vol. IV, p. 4395.)

Copies of the decisions rendered in the cases of the British steamships *Sidra* and *Newchwang* by the American and British Claims Arbitration Tribunal, organized under the treaty concluded between the United States and Great Britain on August 18, 1910, are inclosed. It will be observed that the claim adjudicated in each of these cases grew out of collisions between a private British vessel and a public vessel owned by the United States. In the case of the *Sidra*, decided November 29, 1921, the Government of the United States was held liable to the British Government in the sum of £2,168 3s. 8d. (*American Journal of International Law*, vol. 16, p. 110); and in the case of the *Newchwang*, decided December 9, 1921, the United States was held liable to the British Government in the sum of £3,176 3s. 6d. (*American Journal of International Law*, vol. 16, p. 323.)

Attention may be further called to certain cases which have been adjusted through diplomatic channels without resort to arbitration.

In 1885 Congress appropriated \$1,973.84 to pay damages sustained to a Japanese subject as a result of a collision of a junk owned by him with the U. S. S. *Ashelot*. (Moore's Digest, Vol. VI, p. 757.)

In 1909 the Government of the United States presented to the Government of Germany a claim in behalf of the owners of the American fishing schooner *Maggie and May*, which was sunk off the shore of Nova Scotia in 1908 by the German training cruiser *Freya*. The Department of State, after investigating the case, considered that there was evidence that the cruiser had not observed proper rules of navigation. The German Government responded to this claim by the payment of \$19,310.52.

By an act approved February 21, 1922, Congress appropriated the sum of \$872.96 "to reimburse the heirs and assigns of N. Ferre, deceased, former Italian consular agent at Gulfport, Miss., for expenses incurred in repairing the damages to the Italian bark *Fenice*, caused by collision with the United States barge *No. 15*."

NAVY DEPARTMENT,
Washington, March 8, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: Replying to your letter of February 15, 1924, in which, among other things, you request to be advised of the number of collisions of vessels of the Navy Department with privately owned vessels occurring within the last four years, and under what law any claim may be adjusted, I have the honor to advise you that according to the records in the department the total number of collisions of naval vessels or vessels in the naval service with privately owned vessels during the period from January 1, 1920 to January 1, 1924, was 174; in 1920, 63; 1921, 41; 1922, 32; 1923, 38.

With reference to the laws under which claims against the department may be adjusted, you are advised as follows:

1. Claims for damages to privately owned vessels or other private property, such as docks and wharves, as a result of operation of naval vessels, may be adjusted under the act of December 28, 1922, Public No. 374, Sixty-seventh Congress (42 Stat. 1066), when the amount is not in excess of \$3,000.

2. Claims for damages to personal property due to neglect of men in the naval service (including civilian employees), when the amount is not in excess of \$1,000, may be adjusted under the act of December 28, 1922, Public No. 375, Sixty-seventh Congress (42 Stat. 1066).

3. Claims for damages to private property caused by naval aircraft (current naval appropriation act), when the amount is not in excess of \$250, paid out of appropriation "Aviation, Navy."

4. Claims for salvage or towing services rendered to naval vessels, amount unlimited, paid out of current appropriation "Construction and repair."

It will be my pleasure to transmit at an early date the opinion of this department with respect to bill H. R. 6989 "authorizing suits against the United States in admiralty for collisions caused by and salvaging services rendered to public vessels belonging to the United States, and for other purposes," copy of which was forwarded with your letter.

Sincerely yours,

THEODORE ROOSEVELT,
Acting Secretary of the Navy.

TREASURY DEPARTMENT,
Washington, March 24, 1924.

DEAR MR. CHAIRMAN: Referring to your letter of February 15, 1924, inclosing a copy of H. R. 6989, a bill authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, and requesting the opinion of this department as to this measure, you are advised as follows:

The existing law authorizing suits against the United States in admiralty, Public Act No. 156, approved March 9, 1920 (41 Stat. 525), pertains only to merchant vessels belonging to the United States, so that claims arising from collisions or salvage services in connection with vessels under the Coast Guard or Public Health Service of this department may not now be considered under that act, nor is there any other existing law authorizing the adjustment of such claims, if they exceed \$1,000 in amount.

Inasmuch as the proposed bill authorizes suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, vessels under the jurisdiction of this department would be included, and the bill apparently would provide a means by which claimants could obtain adequate relief in cases where the amount of damages or the claim for services exceeded \$1,000. The enactment into law of some provision of this character, therefore, would be considered as desirable by this department.

Under the act of December 28, 1922 (42 Stat. 1066), the head of each department has authority to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found due to any claimant is certified to Congress for an appropriation to meet the payment of said claim. This law provides an expeditious method of adjusting small claims.

In compliance with your request, there is inclosed herewith a statement of collisions of vessels belonging to the United States operated by the Coast Guard and Public Health Service of this department, with privately owned vessels, during the period of the last four years.

Yours very truly,

A. W. MELLON,
Secretary of the Treasury.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

Collisions between United States vessels operated under Treasury Department and private vessels

Date	Vessel	Private vessel
	PUBLIC HEALTH SERVICE	
Apr. 13, 1920	Argonaut	Santa Fe Barge No. 3, Santa Fe Railroad Co.
May 10, 1920	do	Annie M. Reid, Hind, Rolph & Co.
Oct. 26, 1923	Waterhouse	Gasoline launch.
	COAST GUARD CUTTER	
Jan. 19, 1920	Androsoggin	Ashburnham, ferry boat.
Apr. 2, 1920	Algonquin	Burnside, transport.
Jan. 24, 1920	Ossipee	Lady Laurier, steamer.
July 14, 1920	Acushnet	Texas Co. barge No. 62.
July 24, 1920	Sally	Charles Davenport, schooner.
Nov. 15, 1920	Pequot	Marine Railway of Greenport Basin & Construction Co.
Nov. 29, 1920	Tybee	Hale, United States destroyer.
Jan. 24, 1921	Mackinac	Scraper, launch.
Do.	Gresham	Hisko, steamer.
Apr. 16, 1921	Unalga	Mud scow.
June 5, 1921	Chenango	Barge, Philadelphia & Reading R. R.
Jan. 21, 1921	Pequot	Wyandotte, steamer.
June 24, 1921	Swift	Irene, sloop.
July 18, 1921	Chenango	Frank Parish, steamer.
Oct. 10, 1921	do	Fearless, ferry boat.
Oct. 26, 1921	Acushnet	Augusta G. Hilton, schooner.
Nov. 28, 1921	Mackinac	Etta M. Burns, schooner.
Jan. 16, 1922	Seminole	United States Army transport, General John Wilkins.
Jan. 25, 1922	Chenango	Pier No. 3, South Wharf, Philadelphia, Pa.
May 13, 1922	Shawnee	Sea Lion and Sea Fox, tugs.
July 12, 1922	Raritan	Zacara, steamer.
July 24, 1922	Golden Gate	Vanguard, steamer.
Oct. 12, 1922	Swift	Motor boat, No. 2965.
Oct. 25, 1922	Mackinac	Stromboli, steamer.
Oct. 30, 1922	Tulare	Barge No. 10, Bay Cities Transportation Co.
Dec. 15, 1922	Chippewa	Macnaughton, steamer.
Feb. 15, 1923	Wissahickon	Torild, steamer.
Feb. 21, 1923	Calumet	Enare, steamer.
Mar. 1, 1923	Mascoutin	Dock No. 3, Seaboard Air Line Railway Co., Portsmouth, Va.
Apr. 28, 1923	Wissahickon	George G. Henry, steamer.
May 8, 1923	Seminole	Wanderer, barge.
May 16, 1923	Mascoutin	Ruth E. Merrill, schooner.
June 6, 1923	Davey	Poydras Wharf, New Orleans, La.
June 25, 1923	Raritan	King City, steamer.
July 14, 1923	Pioneer	Cornelia, towboat.
Sept. 11, 1923	Tallapoosa	Malta Maru, steamer; Bascobel, tug.
Sept. 17, 1923	Winnisimmet	Barge, Monumental Stevedore Co. of Baltimore.
Dec. 5, 1923	Tloga	Margaret-Bernice, motor boat.

WAR DEPARTMENT,
Washington, February 23, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

DEAR MR. EDMONDS: Receipt is acknowledged of your letter of February 15, 1924, with inclosed copy of bill (H. R. 6989) authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

A list of the number of collisions in which War Department vessels and privately owned vessels were involved during the last four years, as requested in your letter, is now in the course of preparation. This list will be forwarded to you, together with an opinion as to the measure in question, at an early date.

Respectfully,

JOHN W. WEEKS, *Secretary of War.*

DEPARTMENT OF JUSTICE,
Washington, D. C., April 8, 1924.

Hon. GEORGE W. EDMONDS,

Chairman Committee on Claims, House of Representatives.

SIR: I have examined the copy of H. R. 6989, introduced by Mr. Underhill, authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and make the following observations:

The proposed bill intends to give the same relief against the Government for damages caused by collision by its public vessels and for compensation for towage and salvage services rendered to public vessels as is now given against the United States in the operation of its merchant vessels, as provided by the suits in admiralty act of March 9, 1920. Relief is now accorded for salvage and towage services which are contract matters in the Court of Claims, and where the amount involved is under \$10,000, in the district courts, by authority of the Tucker Act. The provisions of the proposed bill which intend to grant relief for damages caused by collision of public vessels are entirely new. Relief heretofore given has been granted by special acts.

The classes of public vessels involved include the vessels of the War, Navy, Treasury, and Commerce Departments, and Shipping Board vessels engaged exclusively in carrying Government supplies. Vessels of the Navy include considerable harbor floating equipment—barges and tugs—in addition to war vessels and their auxiliaries. The vessels of the War Department include likewise considerable harbor equipment in addition to large transports. The Engineer Division employs a large number of barges and tugs as aids to navigation. The vessels of the Treasury Department include those of customs, Coast Guard and Geodetic Survey, lighthouse tenders, and the fleet of vessels employed in the prohibition work to prevent the smuggling of liquor. The Department of Commerce vessels include light vessels, tugs, and other craft employed in placing buoys and in protecting the aids which the Government has provided for navigation. The larger craft consisting of the war vessels and Army transports are but a small part of the considerable number of vessels which are employed by the various branches of the Government in public service.

The Government does not present claims for salvage services rendered by its public vessels against privately owned vessels except where the vessel is a naval tug or other larger craft equipped for that purpose. Considerable service is rendered by our revenue cutters. Indeed, the law commits these vessels for such service, for which salvage compensation is not collected.

The proposed act relates to causes of action arising after April 6, 1920, and requires the consent of the Attorney General in writing before any proceeding can be brought. If the legislation is considered proper, the act, instead of granting relief to causes of action arising subsequent to the passage of the act, provides general relief for the past four years. It provides the limit of time within which the consent of the Attorney General may be applied for to one year after the passage of the act or after the cause of action has arisen, and that the libel in every case be filed within one year after the consent is obtained. The procedure provided is substantially the same as the procedure provided in the suits in admiralty act of March 9, 1920. The proposed legislation is a departure from the rule heretofore strictly adhered to that the Government will not be liable for the torts of its officers or servants. Whether there shall be a departure now from this rule or principle is a legislative matter rather than an executive one. If the rule or principle is modified so as to grant relief for collision damages inflicted by public vessels, like legislation granting relief for the ordinary torts on land, such as damages caused by collision with Army trucks or Post Office mail wagons, may be urged. Suggestions which have come to my notice favoring the bill include the view that the practice of admiralty and international law and procedure place such torts separate and apart from the ordinary torts committed on land, as the vessel is defined the offender rather than the owner of the vessel. The Supreme Court in the *Western Maid* group of cases (257 U. S.

419), has decided to the contrary. It is also urged that such legislation is necessary to placate many foreign payments. To the contrary, the suggestions have been made that there is no less merit to granting relief for losses caused by collision by our public vessels than in losses arising out of Army trucks and post-office vehicles on land. Many of the vessels, such as revenue cutter vessels, Coast Guard and Geodetic Survey vessels attached to the Lighthouse Service, dredging plants and other equipment of the Army Engineers, are employed in rendering distinct aid to navigation, and at considerable expense to the Government. Where losses through collision follow, such losses are incident to the public service in which the vessels are employed. The query suggested is whether losses inflicted by the vessels employed as aids to navigation should be granted by general acts. Other suggestions made are that many of the losses presented against the Government are covered by insurance carried by the owners of other vessels damaged with the result that the underwriter pays the claimant's losses or a large percentage thereof, and under the general subrogation plan will recoup the payments made from the Government as owner of the offending vessel. Relief for collision or torts of Government vessels heretofore has been allowed in each instance by special act rather than a matter of right through general relief.

I observe that the present act grants relief for salvage and towage claims in addition to collision torts. The Government has already accorded relief in salvage and contract matters in the Court of Claims and the district courts under authority of the Tucker Act. The Court of Claims and Tucker Act relief deny interest until after the entry of the final decree or judgment. The proposed bill allows interest within the discretion of the court from the time the cause of action arises. Salvage awards seldom bear interest, although in several instances the courts have allowed interest on the actual expenses to which the salvors have been put.

The act grants relief for causes of action arising after April 6, 1920, and, therefore, includes claims arising during the past four years. Like legislation generally has fixed relief upon causes of action arising after the approval of the act. With respect to damages done by small harbor equipment, I believe it will develop that no investigations have been made at the time losses have occurred and the witnesses are barge men who are usually foreigners who can not be located after they leave the service.

Whether or not relief should be had against the Government is a legislative question rather than an executive one. If general relief is proper, I believe that the relief should be an absolute one rather than contingent upon the consent of one of the executive departments of the Government who may withhold or grant relief as he may determine. If it is considered proper that the consent of the Attorney General is proper, I should think the limit should be six months after consent for the filing of the libel is given rather than one year, which section 1 of the proposed act provides.

Section 2 of the proposed bill provides that actions brought by authority of the bill shall be subject to and proceed according to the suits in admiralty act. The act allows interest in the discretion of the court from the time the cause of action arises. As applied by the proposed bill, interest would run in collision, salvage, and contract cases from the time the cause of action arose. Relief now granted against the Government in contract matters in the Court of Claims and district courts under the Tucker Act deny interest and allow it only upon the judgment or decree entered. In the special acts heretofore passed granting relief in collision matters the right to recover interest has generally been denied. Allowance of interest from the time the cause of action arises in contract matters appears to have more merit than the allowance of interest in tort matters. The policy of the Government should be to allow interest in both classes of actions or to deny interest in both classes of cases. However, as I have stated, this is a legislative matter rather than a question for me to review.

I do not understand from the proposed bill whether the relief to be granted shall be determined upon principles of in rem liability solely or whether it shall be determined both in rem and in personam liability. Some courts have read the suits in admiralty act to provide relief both upon in rem and in personam liability. Where relief is based solely upon principles of in rem liability, the liability of the Government is limited to the value of the vessel at the time the proceedings are brought. In instances where the unseaworthiness of the vessel is a factor, if the act is to be construed as providing in personam liability, the liability of the Government will be unlimited as to the amount of the tort claim. If liability is to be determined solely upon principles of in rem liability, the Government's liability must be limited to the value of the vessel at the time the libel was filed.

Section 3 of the suits in admiralty act allows the United States to file a cross libel against the original libellant to recover the damages the Government may have sustained. Section 3 of the proposed bill provides for the filing of a cross libel in instances where an original libel is filed by the United States. I suggest that this section be amended so as to provide that if the United States files a cross libel, the libellant in the original action shall be required to furnish security approved by the court to respond for any judgment entered in favor of the United States, such security to be entered within 60 days after order is made under penalty of having original libel dismissed for failure to comply therewith. I understand that this is the practice where private rights are involved, and is covered by rule 50 of the Supreme Court Rules in Admiralty.

I also observe that section 4 only becomes necessary if the proposed bill should grant relief upon causes of action arising since April 6, 1920. If the relief is limited to causes of action arising from and after the approval of the act this section is unnecessary.

Section 8 provides for the payment of judgments out of the unappropriated balances in the Treasury. Similar legislation affecting contract matters in the Court of Claims requires appropriations to be made for the payment of judgments.

I have reviewed the proposed legislation rather fully, as its general subject is a departure from the rule heretofore observed that the Government can not be held responsible for the torts of its servants and agents. Please let me know if there is anything further I can do for you.

Respectfully,

HARLAN F. STONE, *Attorney General.*

DEPARTMENT OF COMMERCE,
Washington, March 10, 1924.

HON. GEORGE W. EDMONDS,
*Chairman Committee on Claims,
House of Representatives.*

MY DEAR MR. EDMONDS: Referring to yours of the 15th ultimo, requesting my opinion on H. R. 6989, entitled "Authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," and requesting in addition advice as to the number of collisions of vessels of this department with privately owned vessels during the last four years, and under what law claims may be adjusted, I am attaching hereto a memorandum from the department's assistant solicitor under date of February 27, which sets forth the different acts under which claims may be settled and the amounts, also a statement showing the number of collisions between department vessels and privately owned vessels for the years 1920, 1921, 1922, and 1923.

Section 7 of said act authorizes the Attorney General of the United States to settle claims on which a libel or cross libel would lie under the provisions of the act, and for which a libel or cross libel has actually been filed. I am of the opinion that the settlement of such claims should be made by the Attorney General after libel proceedings have been instituted, but am rather inclined to the opinion that the settlement of small claims before court proceedings have been begun should be made by the departments involved. I think section 7 should be so amended as to make it perfectly clear as to whether or not the authority to settle claims now vested in this department, as set forth in the above-mentioned memorandum, is to be repealed.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

FEBRUARY 27, 1924.

Under section 4 of the act of June 17, 1910 (36 Stat. 537), the Commissioner of Lighthouses is authorized, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine all claims for damages, not in excess of \$500, occasioned by collisions for which vessels of the Lighthouse Service shall be found to be responsible.

The act of June 5, 1920 (41 Stat. 1054), authorizes the Director of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine all claims for damages, not in excess

of \$500, occasioned by acts for which the Coast and Geodetic Survey shall be found responsible.

Section 2 of the act of December 28, 1922 (42 Stat. 1066), authorizes the head of each department to consider, ascertain, adjust, and determine any claim on account of damages to or loss of privately owned property, where the amount does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment.

JAMES J. O'HARA, *Assistant Solicitor.*

Number of collisions between Department of Commerce vessels and privately owned vessels during the past four years

	1920	1921	1922	1923
Bureau of Lighthouses.....	9	8	14	6
United States Coast and Geodetic Survey.....	2	1	1	2
Total.....	11	9	15	8

WAR DEPARTMENT,
Washington, May 14, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

DEAR MR. EDMONDS: With further reference to your letter of February 15, 1924, with inclosed copy of bill H. R. 6989, authorizing suits against the United States in admiralty for collisions caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes, I now take opportunity to forward to your committee the inclosed lists of collisions in which War Department vessels and privately owned vessels were involved during the last four years—from approximately January 1, 1920—and to present an opinion as to this measure, as requested.

The views of the department in respect to legislation of this nature were set forth in a letter to the chairman Committee on the Judiciary, House of Representatives, dated March 17, 1922, concerning H. R. 6256 (67th Cong.), a bill for similar purposes as provided in H. R. 6989, then pending before that committee. Pursuant to your request, however, further study and consideration have been given to this proposed legislation. It is remarked in this connection that subsequent to the department's letter of March 17, 1922, the Congress changed its policy, in part, in dealing with claims, including claims in admiralty, by the act approved December 28, 1922 (42 Stat. 1066), which authorized the Secretary of the Navy to adjust claims not in excess of \$3,000, and the heads of other Government departments claims not in excess of \$1,000, and, therefore, that this proposed legislation may now be regarded in the light of an extension of that policy to include all admiralty claims.

The intent and purpose of H. R. 6989 are, in my opinion, under existing conditions, a desirable change in the policy and procedure in dealing with claims in admiralty sounding in tort. The policy in respect to legislation of that character is a matter entirely within the discretion of Congress to determine. It is remarked, however, that, while a strict adherence to the principle of the immunity of the Government from liability for the torts of its officers and agents while engaged wholly in the public service would be of advantage to the Government, provided no claims of this nature were settled, it appears that the tendency of Congress in the matter of meritorious claims, however, which can not be settled under any existing statute, has been to grant relief eventually by special acts, either by the appropriation of funds as an act of grace or in permitting suits to be brought against the Government. In instances there has been long delay. Therefore, assuming that claimants with meritorious claims for damages caused by collisions with vessels in the public service would eventually be granted relief by Congress, the adjudication of these claims by the courts, or by arbitration, compromise, or settlement through the Attorney General, as proposed in this measure, would facilitate the disposal of such claims and at the same time serve to lighten the not inconsiderable burden necessarily cast upon your committee in the consideration of such claims.

Should it be deemed advisable to authorize the adjustment of these claims in the manner proposed in the bill, its enactment may properly be regarded as a further progressive step in the series of acts now in effect authorizing the settlement of tort claims previously reserved for determination by the Congress, with especial reference to the following:

Act of June 24, 1910, authorizing the Secretary of the Navy to adjust claims involving not more than \$500 (repeated in current appropriation acts; amount increased to \$1,000 in the act approved July 1, 1918).

Act of June 25, 1910 (30 Stat. 676), authorizing the Chief of Engineers to adjust collision damage claims in connection with river and harbor works, upon approval of the Secretary of War, not exceeding \$500.

Act of August 24, 1912 (37 Stat. 586), authorizing the Secretary of War, in claims for damages due to military operations, to consider, ascertain, adjust, and determine the amounts due on all claims, etc., not in excess of \$1,000, and to report amounts found due to Congress through the Treasury Department.

Act of April 18, 1918 (40 Stat. 532), indemnity for damages caused by American military forces abroad.

Act approved March 9, 1920 (41 Stat. 525-527), authorizing suits against the United States in admiralty; suits for salvage services and other purposes.

Act approved June 5, 1920 (41 Stat. 953-954), indemnity for damages resulting from the operation of aircraft at home and abroad, not exceeding \$250 (carried in previous and subsequent appropriation acts).

Act of June 5, 1920 (41 Stat. 965), claims for damage to and loss of private property arising incident to the training, practice, operation, etc., of the Army, to be settled by the Auditor for the War Department upon approval and recommendation of the Secretary of War (repeated in subsequent appropriation acts for the activities of the War Department, limited to \$500 by the act approved June 30, 1922, 42 Stat. 725).

Act approved December 28, 1922 (42 Stat. 1066), authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with Naval vessels where the amount of the claim does not exceed \$3,000.

Act approved December 28, 1922 (42 Stat. 1066, sec. 2), conferring authority upon the head of each department or establishment to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of property not in excess of \$1,000 caused by the negligence of any officer or employee.

Furthermore, since it is the established practice of the principal maritime nations, notably England, France, and Germany, to permit their nationals and foreigners to sue in their tribunals for damages caused by public vessels, this bill would bring American practice into conformity, substantially, with that of these countries. In this connection, it should be noted that, in dealing with similar claims for damages caused to foreign vessels by public vessels in the service of the War Department, under existing conditions, the War Department ascertains the facts and fixes responsibility. Where the Government vessel is at fault and the claim is not in excess of \$1,000, settlements under the act approved December 28, 1922 (42 Stat. 1066), in the manner therein provided, are possible. The department is not authorized to deal with claims in excess of that sum. Such claims, in practice, however, are eventually presented by the claimant's government to the State Department, which, in cases where the government vessel is at fault, submits the claims to Congress with recommendation for an appropriation to pay them. A number of these claims arising incident to the operations of the Army Transport Service during the World War period has been before the War Department in recent months and subsequently transmitted to the Congress by the State Department. The British Government practice in respect to claims of private owners against public vessels, as described in a recent note from the British ambassador (No. 162) in the case of the collision between the British Steamship *Larchgrove* and the U. S. S. *Hawaiian* (October 27, 1918), is as follows:

"At this point I think it well to explain to you briefly the machinery provided in Great Britain for dealing with claims of this nature against His Majesty's Government. Where Admiralty vessels, including warships, are involved in collision cases, the Admiralty give the claimants the name of the officer alleged to be responsible, for the purpose of his being made a defendant in legal proceedings. Should the decision in the English high court or other tribunal go against the officer, if he was acting within the scope of his apparent authority or duty, the Admiralty accept pecuniary responsibility for any judgment up to the limit to which they might be made liable were they private shipowners. In regard to

salvage claims, where high court action is not possible, the Admiralty refer a claim to their legal and technical advisers to suggest such sum as would likely be awarded by the high court and then offer that sum to the claimant. If the amount is not accepted, expert British counsel of sufficient experience in maritime cases is called upon to adjudicate, and the Admiralty consider themselves bound by his decision. The practice of the board of trade is identical, except that the proceedings are subject to the limitation of six months provided for by the public authorities protection act; this is a defense which is not invariably insisted upon, but which has frequently been pleaded where there is no justifiable reason why the action should not have been commenced within the statutory period."

The following, extracted from Report No. 1301 (66th Cong., 3d sess.) in connection with H. R. 15977, illustrates the practice in continental Europe in respect to claims of this character, with especial reference to France and Germany:

"On the Continent the rule is that the Government is liable to be sued by an individual in contract and also in tort, where the tortious act is not committed in the performance of functions of a distinctly public legal character and where the fault of the officer causing it is not purely personal to himself, but consists rather in bad service, in an order badly given, not understood, or imprudently or carelessly executed. (Ducrocq, *Droit Administratif*, secs. 1055, et seq.; Laferriere, *La Jurisdiction Administrative*, II, 149, et seq.; Von Ronne, *Das Staatsrecht der Preussischen Monarchie III*, 583584; Bornhak, *Preussisches Staatsrecht*, II, 47.) Thus the Government would not be held responsible for damages caused by its agents in the collection of taxes, while it would be if a ship were injured by the negligence of the officers of one of its men-of-war. (Cf. Ducrocq, *op. cit.*, II, 230, citing a decision of the Council of State, Vol. II.) An example of the purely personal act of one of its agents for which the Government would not be responsible would be found in the case of theft by him. While the general rule as to the responsibility of the Government for its contracts and torts is the same in France and Germany, the courts before which such suits should be brought are different. In France, while the common law rule in the absence of statute would appear to be that the ordinary civil courts have jurisdiction, so many special statutes have, as a matter of fact, been passed giving the jurisdiction to the administrative courts, that it is laid down as the rule that the administrative courts are alone competent to declare the Government a debtor. (Ducrocq, *loc. cit.*) In Germany, however, it is the ordinary courts which have jurisdiction of actions both in contract and tort against the Government. (Von Ronne *loc. cit.*; Bornhak, *loc. cit.*) (Goodnow, *Comparative Administrative Law*, vol. 2, pp. 161, 162.)"

I have no comment to offer on the provisions of the bill in detail, which appears to adequately and clearly set forth its intent and purposes, other than to observe that the immunity of public vessels from seizure and arrest—a very important provision—is preserved, also that the bill provides that officers and members of the crew may not be subpoenaed in connection with any suit authorized thereunder without the consent of the Secretary of the department having control of the vessel at the time of cause of action arose. Without this provision the operation of vessels might have been hampered, and, especially in periods of emergency, to the detriment and possibly with serious consequence to public interests. I, therefore, at this time find no objections to the enactment of this measure.

The collision damage cases in which vessels of the department were involved since the beginning of the year 1920 are covered by the two inclosed lists, one relating to vessels operated under the Chief of Engineers and the other including vessels operated by the Quartermaster Corps.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

Marine collisions in Engineer Department January 1, 1920, to December 31, 1923

United States vessel.	Privately-owned vessel	Amount claimed	Date of damage	Date filed	Action taken
Snagboat Swinomish.	Tug Arrow.....	\$500.00	1920 Jan. 8	Jan. 10, 1920	Steamboat inspectors held Arrow responsible.
Tug Captain Talfor.	Dredge No. 3 Bulldog.	109.45	Jan. 27	Feb. 27, 1920	Settled under 36 Stat. 676.
Steamship Inspector.	Floating dry dock.	500.00	Jan. 30	Jan. 31, 1920	Government declined to admit responsibility for collision.
Barge No. 31.....	Steamship Columbia.	532.00	Feb. 7	-----	Available record incomplete.
Steamer Manisees..	Lighter Leviathan.	85.00	Feb. 17	Mar. 24, 1920	Owners of Leviathan repaired Manisees and paid cost.
Dredge Raritan....	Towboat Margaret M.	-----	Feb. 21	Mar. 6, 1920	Barge sunk; Government disclaims responsibility.
Dredge Atlantic....	Steamship Barendrecht.	6,000.00	Mar. 5	Mar. 8, 1920	United States recovered by suit in district court.
Tug San Luis.....	Lighter George M. Long.	167.18	---do---	Apr. 28, 1920	Settled for \$67.18; 36 Stat. 676.
Quarterboat Chester.	Lighter No. 40....	1,375.00	Mar. 11	-----	Government refused to admit responsibility for collision.
Dredge Galveston..	Steamship War Khan.	(¹)	Apr. 4	Apr. 13, 1923	None; claim made too late to permit investigation.
Dredge Atlantic....	Tug F. B. Dalzell, Jr.	500.00	Apr. 25	June 7, 1920	Available record incomplete.
Derrick Scow No. 8.	Tug Gagnon.....	36.95	May 28	July 1, 1920	Owners of Gagnon paid the damages.
Launch Echo River	Launch Martha....	21.00	June 6	-----	Government refused to admit responsibility for collision.
Launch Louise....	Launch No. 503....	823.78	June 8	June 17, 1920	Engineer Department purchased launch No. 503 at marshal's sale for \$75.
Dredge Dewitt Clinton.	Robert Cook.....	-----	July 20	July 30, 1920	No damage ascertained.
Launch No. 3.....	Sail yawl Siesta..	90.86	Aug. 11	Aug. 26, 1920	Paid under 41 Stat. 1015.
Dredge San Jacinto.	Tanker Macoris....	4,195.67	Sept. 17	June 1, 1921	Damage paid United States by Sugar Products Co.
Dredge Raritan....	Tug Integrity.....	17,500.00	Sept. 30	Oct. 7, 1920	H. R. 5492, Sixty-seventh Congress, first session, for relief of owners of tug did not pass.
Dredge Dewitt Clinton.	Unnamed canal boat.	-----	-----	Oct. 28, 1920	Available record incomplete.
Steamer Ellen.....	Wooden barge.....	145.00	Nov. 8	Jan. 4, 1921	Settled under 41 Stat. 1015.
Dredge Dewitt Clinton.	Robert H. Cook....	-----	Nov. 12	Nov. 30, 1920	No damage to either.
Do.....	do.....	-----	Nov. 17	---do---	Very slight; United States to request payment for 3 lanterns.
Pile Driver No. 4..	Tug Hart.....	24.81	Nov. 18	Dec. 31, 1920	Damages paid to United States by Cornell Steamboat Co.
Lighter E. R. 101..	Car float No. 1205.	19.83	Nov. 23	Dec. 6, 1920	Lehigh Valley R. R. Co. held responsible but no collection yet.
Tug Tuscaloosa....	Launch Mary J....	132.91	Dec. 4	-----	Paid under 41 Stat. 1015.
Steamer Manisees..	Scow Horse.....	-----	Dec. 16	Dec. 28, 1920	O'Brien Bros. (Inc.) repaired Manisees and paid costs.
Patrol Lamont.....	Scow Mulligan No. 1.	475.00	1921 Feb. 5	Feb. 5, 1921	Available record incomplete.
Launch Louise....	Italian Steamer....	1,000.00	Feb. 19	Mar. 3, 1921	No action; operator of launch held blamable.
Barge No. 33 and Pile Driver No. 1	Steamship Cody....	17,196.10	Apr. 9	Apr. 14, 1921	Shipping Board offers credit against their indefinite and unadjusted claim against the Engineer Department.
Dredge San Pablo..	Schooner Lizzie Vance.	47.20	Apr. 30	June 22, 1921	Paid under 41 Sta. 1015.
Pipe line of dredge Miller.	Unnamed barge....	43.00	July 8	Aug. 2, 1921	Collection made of Suderman & Young, Galveston.

¹ Indefinite.

Marine collisions in Engineer Department January 1, 1920, to December 31, 1923—Continued

United States vessel	Privately-owned vessel	Amount claimed	Date of damage	Date filed	Action taken
Rowboat No. 9.....	Tug Eastchester..	25.00	1921 July 18	Aug. 5, 1921	Red Star Towing Co. held responsible for damage and bill sent for same.
Oil and water barge No. 5.	Mount Evans.....	1,222.07	Aug. 31	Aug. 4, 1921	Shipping Board involved; no collection.
Dredge Atlantic.....	Barge Mary H. Brigham.	3,964.00	Oct. 24	June 30, 1922	Claim adjusted and now pending before Congress.
Fuel barge No. 5.....	Steamer Tamatsu Maru.	1,681.13	Nov. 15	Jan. 24, 1922	Suzuki & Co. paid \$681.13 and repaired barge.
Towboat Eleanor.....	Yacht Hunter.....	159.89	Nov. 18	Mar. 3, 1922	Messrs. Daniels & Bowden, lessors to United States of towboat Eleanor, paid full claim and were reimbursed by Engineer Department for \$95.55.
Dredge San Jacinto..	Steamship Mount Evans.	486.40	1922 Jan. 10	Mar. 30, 1922	Presented to United States Shipping Board for payment of Government claims.
Dump scow E. R. 21.	New York, New Haven & Hartford R. R. towboat.	1,301.43	Jan. 29	Feb. 7, 1922	United States paid \$1,145 by New York, New Haven & Hartford R. R. Co.
Launch Balize and wharf.	Steamship Cliffwood.	700.00	Feb. 9	May 9, 1922	Lykes Bros. paid \$197.12 for damages to wharf; \$502.88 repairs to launch, presented to Shipping Board, not settled.
Dredge Edwin R. Kimble.	United States Shipping Board vessel Lake Fairlie.	131.90	Feb. 24	-----	Operator of Shipping Board vessel has refused payment.
Dredge Navesink....	Scow Sunlight....	395.00	Mar. 16	Mar. 25, 1922	O'Brien Bros. (Inc.), owners of scow, to pay damage.
Dredge Raritan.....	Tugboat Bouker No. 3.	375.00	Apr. 19	Apr. 25, 1922	\$231 received from Bouker Construction Co. and accepted in full.
Dredge Edwin R. Kimble.	Steamship Oliva....	20,000.00	May 8	May 13, 1922	Steamer Oliva was libeled at Colon, Canal Zone, January, 1924.
Lighter E. R. 101....	Tug R. C. Townsend.	215.07	May 10	May 19, 1922	Damages paid to United States by Cornell Steamboat Co.
United States lighter E. R. 101.	Car float in tow...	518.78	May 13	-----do-----	Damages paid to United States by Pennsylvania R. R. Co.
Dredge New Orleans.	West Neris.....	25.00	May 15	May 25, 1922	None; Shipping Board vessel.
Dredge Raritan.....	Coal barge Luther E. Hooper.	-----	May 18	May 23, 1922	No action taken; damage very slight.
Lighter E. R. 101....	Tug New York Central No. 8.	116.40	May 29	June 5, 1922	Damages paid United States by New York Central & Hudson River R. R. Co.
Dredge Mathloma....	Launch Independent.	212.30	June 15	-----	Government paid one-half claim under 41 Stat. 1015.
Tugboat McDonough.	Sarah E. Northup.	54.28	July 5	July 26, 1922	Paid under 41 Stat. 1015.
Lighter E. R. 101....	Car float in tow...	63.70	Aug. 2	Aug. 15, 1922	New York, New Haven & Hartford R. R. Co. made payment in full.
Steamer Miami.....	Steamer Scout.....	208.60	Sept. 21	Oct. 24, 1922	Paid under 41 Stat. 1015.
Barge No. 29.....	Steamship Le Coq..	6,196.27	Oct. 28	Nov. 9, 1922	Claim placed in hands of local United States attorney and records show nothing further.
Lighter E. R. 101....	Ferryboat Arlington.	227.00	Nov. 2	Nov. 20, 1922	Erie R. R. Co. held responsible and damage paid.
Steamer Vidette.....	Schooner James William.	3,000.00	Nov. 7	-----	Government disclaims responsibility for collision.
Dredge Henry Flad..	Unnamed barge...	500.00	Nov. 8	Feb. 15, 1924	Intended to adjust and settle under 41 Stat. 1015.
Dredge Pascagoula..	Steamer Salaam....	-----	Nov. 20	-----	No action; Shipping Board vessel.

Marine collisions in Engineer Department January 1, 1920, to December 31, 1923—Continued

United States vessel	Privately-owned vessel	Amount claimed	Date of damage	Date filed	Action taken
Steamer Manisees	Tug William H. Taylor.	\$250.71	1922 Nov. 29	Feb. 17, 1923	District engineer authorized to accept \$175 in compromise.
Dredge Atlantic	Steamer Eastern Glade.	-----	Nov. 30	-----	Available record has not further information.
Derrick boat E. R. 101.	Barge unnamed	118.00	Dec. 12	Dec. 19, 1922	Phoenix Transit Co. held responsible.
Anchor lines of pontoons.	Tug Carrie Nichols.	40.00	Dec. 14	Dec. 30, 1922	Hudson Towboat Co. held responsible.
Drill boat	Francis J. Reichert and dredge Buffalo.	51.69	Dec. 14	-----	In Department of Justice for collection.
Anchor chain of pontoons.	Tug Chas. Crawford.	(?)	Dec. 16	Dec. 28, 1922	Phoenix Transit Co. held responsible.
Derrick E. R. 101.	Steamer Michigan.	352.06	Dec. 21	Jan. 17, 1923	District engineer authorized to accept \$300 offered.
Tender McHenry	Steamer Riverside.	1,137.61	Dec. 26	Dec. 30, 1922	Rock Creek Steamboat Co. paid one-half the amount of damage.
Lighter E. R. 101.	Yacht Sachem	318.17	-----	Sept. 12, 1922	Paid to United States by owner of Sachem.
Tug East River	Benjamin Franklin.	-----	-----	Sept. 29, 1922	Damages negligible; no action.
Scow No. 9	Coal boat No. 32.	31.07	-----	Dec. 5, 1922	Paid under 41 Stat. 1015.
Cruiser Monomoy	Maj. L'Enfant.	27.61	-----	Dec. 18, 1922	Do.
Tug Degolia	Tug S. M. Goucher.	412.37	-----	Jan. 4, 1923	Do.
Dredge Raritan	Tug Black Diamond.	-----	1923 Jan. 8	Jan. 16, 1923	Lehigh Valley R. R. Co. held responsible for damages.
Anchor lines of pontoons.	Tug Syosset	50.80	Jan. 10	Jan. 19, 1923	Damage paid United States by Long Island R. R. Co.
Dredge Chinook	Barge Hattie	-----	-----	do	Available records incomplete.
Dredge Raritan	Barge No. 537	-----	-----	Jan. 8, 1923	Do.
Dredge New Orleans.	Barge Birmingham.	-----	Apr. 3	Apr. 10, 1923	Johnson Iron Works made repairs at own expense.
Steamer Manisees	Ferryboat Wilkes-Barre.	200.00	Apr. 18	-----	Records incomplete.
Derrick E. R. 101	Steamship Mauretania.	274.20	May 8	May 11, 1923	Claim against Cunard Steamship Co. (Ltd.) in hands of United States district attorney.
Derrick No. 13	Steamship Pawnee	2,251.93	May 10	-----	Amount claimed paid by Clyde Line Steamship Co.
Lighter E. R. 101	Tugboat Ely B. Conine.	264.03	May 12	-----	Cornell Steamship Co. paid claim in full.
Dredge Raritan	Barge No. 537	100.00	May 29	-----	\$81.59 paid under 41 Stat. 1015.
Do	Pile driver No. 6	401.55	June 13	June 22, 1923	Adjusted and settled under 41 Stat. 1015.
Steamer MacArthur	Unnamed barge	(?)	July 7	-----	No claim; Government admits responsibility to Steamer MacArthur.
Dredge H. S. Taber	Collier of Consolidated Fuel Co.	-----	July 13	-----	No action taken by Consolidated Fuel Co.
Derrick E. R. 101	Tug Despatch	-----	July 24	July 31, 1923	After repairs Pennsylvania R. R. Co. billed; no further record.
Quarterboat No. 2	Steamer Charles McVea.	12.00	Aug. 15	-----	Government boat damaged and claim paid by Hill Steamboat Line.
Dredge Atlantic	Car float No. 51	-----	Aug. 31	-----	None; damage to car float slight.
Steamer T. P. Roberts.	Sonoma	735.92	Sept. 8	Dec. 5, 1923	Claim of Earl Webster now pending before Congress.
Steamer Ottawa	Gracie M.	41.51	Oct. 22	-----	Amount claimed paid under 41 Stat. 1015.
Dredge Atlantic	Car float	100.00	Oct. 23	-----	After repairs Lehigh Valley R. R. Co. billed; no further record.
United States towboat Fury.	Unnamed skiff	(?)	Nov. 7	Dec. 10, 1923	Government responsibility denied.
Scow No. 9	Benjamin Brewster.	(?)	Nov. 16	Nov. 20, 1923	Accident inevitable.
Scow No. 11	Pontoon unnamed	-----	Nov. 20	Feb. 1, 1924	No action taken.

1 Indefinite.

2 Not stated.

3 None.

Marine collisions in Engineer Department January 1, 1920, to December 31, 1923—Continued

United States vessels	Privately-owned vessels	Amount claimed	Date of damage	Date filed	Action taken
Derrick E. R. 101	Pennsylvania R. R. tug No. 7.	300.00	1923 Nov. 25		After repairs Pennsylvania R. R. billed; no further record.
Do	Tugboat Burro	(¹)	Dec. 5		Government will claim for anchor and 700 feet of cable.
Dredge Atlantic	Steamship Luxta-lille.		Dec. 8		Government to present bill to Mallory Transport Line.
Tug Barretio	Unnamed sand barge.		Dec. 17		Damage to barge slight; no action.
Dredge Atlantic	Unnamed barge.		do.		No action.
Tugs Shell Drake and East River.	Tug Socony No. 9.		do.	Jan. 24, 1924	None; damage too slight to justify claim.
Derrick E. R. 101	Tug Automatic		Dec. 19		Government will claim loss of anchor and 200 feet of cable.
Do	Towboat Sacony No. 18.		Dec. 20		Government will claim damage for time lost by derrick boat.
Eastlake	Rosie May		Dec. 26	Dec. 28, 1923	Government refused to admit damage to Rosie May.

¹Indefinite.*List of collisions between vessels of the Quartermaster Corps and privately owned vessels since January 1, 1920*

United States vessel	Private-owned vessel	Date of accident	Date of claim	Amount claim	Action
Barge 314	Scow J. J. Reichert.	1920 Jan. 9	May 6, 1920	\$86.73	Disallowed.
Steam lighter S. L. F. Timmour.	Tug O. L. Halenbeck.	do.	None	138.06	Damage to United States vessel.
General Weston	Adella Hicks	Jan. 12	Feb. 26, 1920	680.00	Disallowed.
U. S. tug No. 7.	Barge Libereal	Jan. 14	Jan. 21, 1920	90.00	Do.
Scow 765	Tug Wm. F. Reid	Jan. 15	None		Scow sold; case dropped.
Lighter No. 136	Barge Panuco	Jan. 16	July 13, 1920	244.37	Disallowed.
Steamship Pocahontas.	Schooner Skjold	Jan. 17	Jan. 28, 1920		Unavoidable damage; to lie where it falls.
Lighter No. 164	Steam canal boat Fred M. Lawrence.	Jan. 22	Dec. 19, 1921	182.50	Damage to United States vessel.
Tug Vigilant	Barge Panay	Jan. 24	Jan. 24, 1920	55.00	Settled Mar. 25, 1921; \$55.
Scow 728	Tug Frederick Reichert.	Jan. 31	Feb. 19, 1921	614.00	Damage to United States vessel.
Steamship Rintintin	Motor-power boat Carnonia, pilot boat.	Feb. 4	Mar. 26, 1920	1,199.98	Disallowed.
Scow No. 736	Scow Liberty No. 1.	Feb. 15	Unknown	245.00	Allowed and accepted.
Army Transport Service tug No. 6.	Georgie Pine (lighter).	Feb. 19	Feb. 19, 1920	298.00	Settled May 27, 1921; \$273.
Dredge Atlantic	Steamship Borendrecht.	Mar. 5	Mar. 5, 1920		Revoked Apr. 27, 1920.
Scow 107	Scow Colussus	Mar. 6	None	7.50	Damage to United States vessel.
Coal boat Shamrock.	Tug Nantilus	Mar. 12	do.	3,105.25	Damage to United States vessel; paid by owners.
Scow 544	Barge Socony 225	Mar. 14	May 27, 1920	106.45	Disallowed.
Steamship Antigone.	Fishing smack Lilly No. 823.	Mar. 23	Apr. 29, 1920	25,000.00	Do.
Steamship Lexington	Tug Dearborn	Apr. 5	None	19.10	Damage to United States vessel.
Army Transport Service tug No. 9.	Delaware, Lackawanna & Western float.	Apr. 8 Apr. 24	None	31.60 38.31	Do. Do.

¹ Kroner.

List of collisions between vessels of the Quartermaster Corps and privately owned vessels since January 1, 1920—Continued

United States vessel	Private-owned vessel	Date of accident	Date of claim	Amount claim	Action
Lighter No. 102.....	Delaware, Lackawanna & Western float No. 23.	1920 Apr. 26	Unknown.....	\$39.00	Damage to United States vessels.
U. S. stake boat No. 21.	Tug Energetic and scow St. Ames River.	Apr. 29	Apr. 29, 1920....	1,123.25	Claimed by United States from tug; no record of settlement.
U. S. car float No. 12.	Tug Patchogue.....	May 4	Mar. 19, 1921..	50.00	Damage to United States vessel.
Car float No. 7.....	Barge Ardsley.....	May 11	Dec. 30, 1920....	486.36	Disallowed.
Lake Seneca No. 12, car float.	New York Central tug No. 23.	May 24	-----	211.75	Settled by check; damage to United States vessel.
Army Transport Service tug No. 3.	Scow A. G. Parcis...	May 27	May 27, 1920..	79.04	Settled; \$79.04.
Steamship America...	H. M. P. S. Moora...	June 1	June 20, 1921..	505.00	Claimed by United States from British Government; no record of settlement.
Ferryboat General Otis.	Tug Crosby.....	June 3	June 3, 1920....	3,521.06	Settled; \$2,500. Disallowed.
Pocahontas.....	Remy I.....	do	Not shown.....	7,222.75	
U. S. Army lighter No. 136.	Barge Interstate No. 55.	June 7	Mar. 29, 1921..	10.00	Allowed \$10.
Barge No. 327.....	Erie barge No. 258.	June 11	None.....	43.28	Allowed \$43.28.
Steamship General Hancock.	New York Central car float B-10.	June 10	Nov. 4, 1920....	1,525.00	Damage to United States vessel.
Barge No. 308.....	Coal boat L. W. Aldrich.	June 17	June 18, 1920....	190.00	Disallowed.
Ferryboat Wyoming.	Pile driver No. 5....	June 21	Jan. 21, 1921..	74.05	Paid Apr. 29, 1921; allowed.
Lighters Nos. 118 and 170.	Steamship El Mundo.	June 22-23.	None.....	260.00	Damage to United States vessel.
A. T. S. tug No. 1....	Schooner W. S. Washburn.	1920 July 2	None.....	15.00	Disallowed.
A. T. S. lighter No. 168.	Coal boat Wayne No. 12.	July 3	Jan. 24, 1921..	59.54	Do.
Lighter No. 140.....	L. V. tug Slatington.	July 6	None.....	66.50	Damage to United States vessel.
Princess Matoika...	Sea wall of Hafenkanal, City of Danzig.	do	Not shown.....	8,500.00	Approved.
Barge No. 163.....	B. & O. float No. 173, Baltimore.	July 12	July 12, 1920....	916.84	Damage to United States vessel, \$916.84.
City of Cleveland car float No. 1.	Tug Madison.....	do	Unknown.....	375.00	Damage to United States vessel.
Steamship Isleboro...	Pennsylvania tug No. 27, barge No. 452.	July 15	Feb. 7, 1921....	45.15	Do.
Coal boat Lucy.....	Tow of tugs Automatic and Geo. S. Tice.	July 24	Unknown.....	1,323.07	Allowed.
A. T. S. tug No. 8....	Coal boat David Harum.	Aug. 5	Aug. 5, 1920....	70.65	Settled, \$70.65.
Ferryboat General Weston.	Tug Mayor Hylan..	Aug. 17	None.....	756.14	Paid by New York City.
U. S. A. T. Heffron.	Pontoon at Vladivostok.	Aug. 27	Aug. 30, 1920....	1,200.00	Disapproved.
Tug No. 2.....	Scow Julia McGeevey.	Sept. 8	Mar. 17, 1921..	94.48	To auditor for settlement.
A. T. S. tug No. 5....	Erie barge 314.....	Sept. 11	Oct. 28, 1920....	225.78	To G. A. O. recommending approval, July 13, 1922.
A. T. S. tug No. 10...	Derrick Mecca.....	Sept. 14	Mar. 21, 1921..	181.00	Allowed, \$161.
A. T. S. tug No. 2....	S. O. tug No. 16....	do	Unknown.....	42.95	Damage to United States vessel.
Mine planter Brig. Gen. Edmund Kirby.	Steamship Iccolite..	Sept. 15	Oct. 13, 1920....	13.50	Allowed, \$13.50.
Tug No. 2.....	Barge Panay.....	Sept. 22	Feb. 17, 1921..	30.40	Allowed.
Steamship Lexington	Lighter Conqueror..	Sept. 30	-----	28.00	Paid Sept. 21, 1921; damage to United States vessel.
A. T. S. tug No. 14...	D. L. & W. float No. 30.	do	None.....	15.00	Disallowed.
A. T. S. tug No. 8....	Coalboat Raritan...	do	Mar. 30, 1921..	95.00	Do.

¹ France.

² Marks.

List of collisions between vessels of the Quartermaster Corps and privately owned vessels since January 1, 1920—Continued

United States vessel	Private-owned vessel	Date of accident	Date of claim	Amount claim	Action
Scow 526.....	Tug Gallagher.....	1920 Oct. 5	Not stated....	\$204.00	Paid, Jan. 31, 1922; damage to United States vessel.
Steamship Leviathan	Barge James A. Mulvany.	Oct. 9	Nov. 24, 1920..	125.50	Withdrawn in favor of Keystone Lighterage Co.; disallowed.
Army tug No. 6.....	L. H. barge No. 2....	Oct. 27	Jan. 4, 1921....	340.00	Allowed, \$122.09.
Barge No. 324.....	S. O. tug No. 20.....	Oct. 30	Mar. 4, 1921....	187.85	Damage to United States vessel; no record of settlement.
Colonel Clayton.....	Kin Dare.....	Nov. 3	Nov. 18, 1920..	4,000.00	\$3,500 allowed.
Brig. Gen. Wm. A. Alexander.	Tug O'Brien.....	Nov. 5	Not shown.....	239.29	Claim allowed.
Steamship Princess..	Tug Oradell.....	Nov. 18	July 9, 1921....	52.00	Paid July 14, 1921; damage to United States vessel.
U. S. A. tug No. 2....	L. V. barge No. 93....	Nov. 22	Mar. 7, 1921....	60.36	Allowed, \$60.36.
Steamship Brig. Gen. Alexander.	D. L. & W. lighter 701.	Nov. 26	None.....	None.	United States responsible.
Lighter Amackassin..	Coal boat John J. O'Brien.	do....	Dec. 15, 1920..	65.00	Disallowed
Tug Chester.....	Barge Eddie No. 10.	Dec. 1	None.....	65.00	Damage to United States vessel; no claim by board.
A. T. S. tug No. 1....	P. R. R. barge No. 447.	Dec. 2	Feb. 3, 1921....	192.04	Allowed, \$192.04.
Steamship President Grant.	Steamship Mount Clay.	Dec. 8			Disallowed.
General Weston.....	Pier 4, East River, New York.	Dec. 14	Apr. 28, 1922..	337.87	Do.
Scow 753.....	Tug Condon.....	Dec. 18	Not stated....	31.04	Damage to United States vessel; paid, June 12, 1921.
Tug No. 3.....	Barge Socony 248....	Dec. 25	Mar. 31, 1921..	13.50	Allowed.
A. T. S. tug No. 10..	Coalboat J. J. Redecan.	Dec. 29	Apr. 22, 1921..	96.00	Disallowed.
Steamship General Stanton.	Tug Comfort.....	1921 Jan. 27	None.....	72.00	Damage to United States vessel; repaired by New York & Cuba Mail S. S. Co.
Brittania.....	John Blumer.....	Jan. 9	Feb. 19, 1923..	5,150.62	Letter Sept. 18, 1923 to Secretary of State suggesting sum of \$4,040.39 be offered the Norwegian Government.
Mine planter Maj. Gen. W. F. Randolph.	Barge No. 61.....	Feb. 21	Apr. 20, 1921..	50.00	Allowed \$50.
A. T. S. tug No. 3....	N. E. S. S. Barge No. 121.	Apr. 2	Apr. 28, 1921..	171.25	Allowed \$171.25.
Edgemoor.....	James O'Boyle.....	Aug. 2	Not shown....	1,210.65	An offer of \$400 in settlement has been made.
Stanley.....	Resolute.....	Dec. 23	No claim filed.		Stanley was grounded; Resolute assisted the Stanley into deep water.
Barges 833 and 848...	Baltic.....	Dec. 29	Feb. 2, 1922....	185.00	Disallowed.
Cantigny.....	Jeune Pauline.....	Dec. 30	Not shown....	641.05	Sent to General Accounting Office recommending payment May 24, 1922.
Do.....	Navigator.....	do....	do.....	699.13.8	Approved by Secretary of War.
Barges 327 and 849...	Barge Arrow No. 3....	1922 Jan. 2	No claim filed.		Disallowed, in the event that any claim is filed.
Mine planter Albert G. Jenkins.	Golden State.....	Jan. 18	Feb. 16, 1922..	3,668.62	Disapproved.
Maren Lee.....	C. R. R. Co. of N. J. Newark Bay Bridge.	Feb. 4	Mar. 20, 1922..	489.00	Disallowed May 9, 1922
Cantigny.....	Granton.....	Mar. 11	Apr. 13, 1922..	50.00	Disallowed; claimant notified.

* Belgian francs.

* Pounds sterling.

List of collisions between vessels of the Quartermaster Corps and private owned vessels since January 1, 1920—Continued

United States vessel	Private-owned vessel	Date of accident	Date of claim	Amount claim	Action
Cambrai.....	Innoka.....	1922 Apr. 8	July 13, 1922..	370.37	No formal statement with evidence filed by claimant; only a letter was received.
Tug No. 3.....	Scow and Skiff.....	Apr. 19	June 13, 1922..	{ 150.00 75.00 687.74 }	} Approved.
Williams.....	Lock No. 12—Delaware and Raritan Canal.	June 22	Not shown.....		
Northern Pacific.....	French Cable Co.....	July —	May 14, 1923..	13,617.21	Before State Department.
Jos. E. Johnston.....	National Dry Dock & Repair Co.	Aug. 11	Not shown.....	2,450.00	Disallowed.
Jesup.....	Juno.....	.....	Dec. 13, 1922..	(⁶)	Disallowed, in the event that any claim is filed.
L-47.....	Sawtelle—Public Health Service.	1923 Mar. 13	Mar. 22, 1923..	162.50	Disallowed; both vessels belong to Government.
Baird.....	Corsair.....	June 13	Not shown.....	(⁷)	Disallowed.
Edgemoor.....	Rosaline.....	June 25	.....do.....	(⁷)	Accident had been intentionally arranged for a tanker belonging to Standard Oil Co. by a moving-picture concern.
Schumm.....	Launch Lucy.....	Aug. 3	No claim filed..	60.00	Filed.
Scow No. 314.....	Scow Liberty No. 8.....	.....	Unknown.....	37.69	Allowed.

⁶No claim filed.

⁷Not shown.

